

Central Administrative Tribunal, Principal Bench

Original Application No.1179 of 1999

M.A. No.1038/99

New Delhi, this the 6th day of April, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

Adish Kumar
son of Shri Dharamveer Singh
B-11/B, Gali No. I,
Behari Colony Ext., Shahdara
Delhi

Applicant

(By Advocate - None)

Versus

1. Union of India
through its Secretary,
Ministry of Defence,
New Delhi

2. M/s Canteen Stores Department
Delhi, 119, Maharishi Karve Road,
Bombay-400 020 (through its President/General
Manager)

3. M/s Canteen Stores Department
P.O. 49, B.C. Lines,
Meerut Cantt.
through its Area Manager

- Respondents

(By Advocate - Shri S.M. Arif)

O R D E R (ORAL)

By Hon'ble Mr. S.R. Adige, Vice Chairman(A)

1. Applicant seeks reinstatement as Lower Division Clerk (in short 'LDC') with full back wages and other consequential benefits.

2. Applicant who has worked as daily rated LDC from 23.11.83 to 14.6.87, himself admits that his services were terminated on 14.6.87. Against the aforesaid termination order, he filed a petition before the Labour Court which was disposed of by order dated 19.12.97 (Annexure 'C') on the grounds of lack of jurisdiction.

3. This OA itself has been filed on 2.12.98. M.A.No.1038/99 has been filed for condonation of delay, in which it has been stated that upon receipt of the Labour Court's order dated 19.12.97, the applicant made further enquiry and consulted an Advocate at Delhi who had advised that application be filed before the Central Administrative Tribunal and after obtaining the file and copies of documents, an application was prepared and the OA had been filed. 10

4. Manifestly, the reasons contained in MA-1038/99 are not sufficient to condone the delay in filing O.A. That apart, respondents in their reply have stated that applicant was given an opportunity to appear in the test to qualify for regularisation as LDC, but instead of seriously attempting to qualify the test, he indulged in an unfair practice during the examination, which the applicant has conveniently suppressed in this OA.

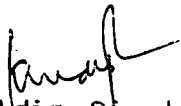
5. Applicant has not specifically denied respondents' allegation that he indulged in an unfair practice in the aforesaid examination. In rejoinder, he has stated that he was malafidely involved in allegedly indulging in an unfair practice but he has not supported this contention by any material and has also not indicated at whose instance, the malafide was committed.

6. In the light of the aforesaid facts and

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circumstances, the OA warrants no interference and it is, therefore, dismissed. No costs.

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(Kuldip Singh)
Member(J)


(S.R. Adige)
Vice Chairman(A)

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